

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 5:17 CR 506
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
ANDREW H. DAUGHERTY,)	<u>REFERRAL TO U.S. PROBATION</u>
)	<u>OFFICE</u>
Defendant)	

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Jonathan D. Greenberg, regarding the change of plea hearing of Andrew H. Daugherty, which was referred to the Magistrate Judge with the consent of the parties.

On December 6, 2017, the government filed a two count Indictment, charging Defendant Andrew H. Daugherty with Receipt and distribution of visual depictions of minors engaged in sexually explicit conduct in violation of 18 U.S.C. 2252 §(a)(2) and Possession of child pornography, in violation of 18 U.S.C. 2252(A)(a)(5)(B). Defendant Daugherty was arraigned on December 13, 2017 before Magistrate Judge Kathleen B. Burke, and entered a plea of not guilty to Counts 1 and 2 of the Indictment. On January 30, 2017, Magistrate Judge Greenberg received Defendant Daugherty's plea of guilty to Counts 1 and 2 of the Indictment and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant

Daugherty is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Daugherty is adjudged guilty to Count 1 and 2 of the Indictment, in violation of violation of 18 U.S.C. 2252 §(a)(2), Receipt and distribution of visual depictions of minors engaged in sexually explicit conduct and 18 U.S.C. 2252(A)(a)(5)(B), Possession of child pornography. This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on May 8, 2018, at 10:00 a.m. in Courtroom 17A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

February 21, 2018